

BEFORE THE
POSTAL REGULATORY COMMISSION
WASHINGTON, D.C. 20268-0001

COMPLAINT OF AMERICAN POSTAL WORKERS
UNION, AFL-CIO

Docket No. C2012-2

**UNITED STATES POSTAL SERVICE CONDITIONAL MOTION FOR LEAVE
TO FILE A SURREPLY IN OPPOSITION TO AMERICAN POSTAL WORKERS
UNION, AFL-CIO MOTION FOR AN EMERGENCY ORDER**
(June 22, 2012)

Pursuant to 39 C.F.R. § 3001.21(b), the United States Postal Service (Postal Service) respectfully requests that the Commission grant this conditional motion permitting the Postal Service to file its surreply in response to the American Postal Workers Union, AFL-CIO's (APWU) reply in support of its motion for an emergency order filed on June 21, 2012 (Reply). Rule 21(b) of the Commission's Rules of Practice and Procedure provides the Commission with discretion to grant this motion for leave.

As background, on June 13, 2012, the APWU filed its Motion for an Emergency Order (Emergency Motion). On June 20, 2012, pursuant to 39 C.F.R § 3001.21(b) and the Commission's June 15, 2012 Scheduling Order,¹ the Postal Service filed its Answer in Opposition to the APWU's Emergency Motion (Opposition). On June 21, 2012, the APWU filed a Reply to the Postal Service's Opposition to APWU's Motion for an Emergency Order (Reply).

The Commission's Rules of Practice and Procedure do not provide for replies to answers to motions, and the expected practice is for a participant to move for leave to file such a pleading. In this case, APWU did not move for leave to file a reply. Thus, the Commission could conceivably decline to consider the Reply.

¹ Order No. 1370.

As the Reply contains legal and factual arguments not presented in the APWU's Emergency Motion, the Postal Service is today filing a surreply to APWU's Reply, and seeks leave to file this Surreply should the Commission determine to consider APWU's Reply.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

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